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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,291	01/08/2002	Christian John Cook	P67120US0	2439
136	7590	07/20/2004	EXAMINER	
JACOBSON HOLMAN PLLC			LEVY, NEIL S	
400 SEVENTH STREET N.W.			ART UNIT	PAPER NUMBER
SUITE 600			1616	
WASHINGTON, DC 20004				

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/936291		COOK	

EXAMINER	
<i>NEC Ley</i>	
ART UNIT	PAPER NUMBER
16/6	

DATE FILED:

*Below is a communication from the EXAMINER in charge of this application*

**COMMISSIONER OF PATENTS AND TRADEMARKS**

## **ADVISORY ACTION**

THE PERIOD FOR RESPONSE:

- a)  is extended to run \_\_\_\_\_ or continues to run 3 months from the date of the final rejection  
b)  expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed 7/04/04, has been considered with the following effect, but it is not deemed to place the application in condition for allowance.

1.  The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:

  - a.  There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - b.  They raise new issues that would require further consideration and/or search. (See Note).
  - c.  They raise the issue of new matter. (See Note).
  - d.  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - e.  They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Entry of this amendment necessitates re-examination & search of each of the combinations of amin acid with antisense and a particular antisense agent.  
Line 57 is not further limiting.

- 56,171 in Independent Form

  2.  Newly proposed or amended claims would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
  3.  Upon the filing an appeal, the proposed amendment  will be entered  will not be entered and the status of the claims will be as follows:

Claims allowed: \_\_\_\_\_

Claims objected to: 59

Claims rejected: 52, 58-58, 61, 64, 67-80493

However:

- Applicant's response has overcome the following rejection(s): *112 toxicity it appears to be an amendment here*

4.  The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because *all the  
newly cited prior art references (except claim 5) would be negated. The New claim re-  
jects all the prior art references on the claim at issue.*

5.  The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

- The crossed drawing section  has  has not been engraved by the examiner.

- Other *anesthetized in the*

~~Other~~ The European search report is not in the files so far as examining can determine. The 105 is in the file, but not considered.

*Neil S. Levy*  
NEIL S. LEVY  
PRIMARY EXAMINER